

AN 10/666,499
Response Dated: July 10, 2006
Reply to Final Office Action of May 8, 2006
Attorney Docket: 77012-324684
Page 5

REMARKS

The above listed claim amendments along with the following remarks are fully responsive to the Office Action mailed on May 8, 2006. Claims 1-11 are pending in the present application and have been rejected by the Examiner. Claims 1 and 11 are currently amended. After the claim amendments listed above, claims 1-11 remain pending. The amended claims are fully supported by the specification and claims as originally filed and are in more readable form. The Applicant believes that, in view of the Remarks presented below, the pending claims are in condition for allowance. Reconsideration of the present application is requested.

The Claims Are Not Anticipated by Trulaske

Claims 1 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,584,547 to Steven L. Trulaske, Sr. ("Trulaske"). Claim 1 claims a storage cabinet for a central processing unit *operable in either of two invertible positions* wherein:

said cabinet includes first and second side walls, *top and bottom walls*, a *vertically adjustable* door, a door hinge and a *spacer panel*;

* * *

said top and bottom walls are attached to said side walls along a portion of the length of said side walls, the lengths of said top and bottom walls being less than the lengths of said side walls;

said spacer panel is attachable to said side walls adjacent to either said top wall or to said bottom wall as a function of which of said top wall and bottom wall is in the vertically lowest location;

said door is attached to one of said side walls at a vertical position which location is a function of the placement of said spacer panel; and

said door hinge is attached to said door and attachable to said one of said side walls. (emphasis added).

AN 10/666,499

Amendment Dated: July 10, 2006

Reply to Office Action of May 8, 2006

Attorney Docket: 77012-324684

Page 6

In his rejection, the Examiner states in relevant part:

“Trulaske discloses a storage cabinet wherein: said cabinet includes first and second side walls (32), top and bottom walls (18) and (38), a vertically adjustable door (14), a door hinge (24) and a spacer panel (16); ...

said spacer panel is attachable to said side walls; ...

said door is attached to one of said side walls ... ;

and said door hinge is attached to said door and attachable to said one of said side walls.”

Trulaske does not teach, claim, or suggest all the elements in claims 1 and 11, in particular an invertible cabinet having side walls, a bottom wall, a *spacer panel*, a *vertically adjustable* door, or said door attached to a *side* wall. Trulaske’s “refrigerated cooler or merchandiser 10 includes a body 12 having a glass front access door, *bottom portion 16*, an upper wall 18, a rear wall 20 and end walls 22. Curved end panels 30 are attached to each of the generally rectangular *flat end walls* 22. In the embodiment shown, the access door 14 is provided with a hinge 24 at the right hand end and is opened outwardly by means of a handle 26.” col. 3, l. 11-19. (emphasis added). Figure 2 clearly shows door 14 attached to the upper wall 18 by hinge 24, not to a side wall 22. Moreover, Trulaske does not teach a bottom wall at all on body 12, but teaches only upper, rear, and end walls, and consequently does not teach a body having its bottom wall connected to its side walls.

Examiner’s reference to bottom wall 38 in Trulaske is misguided because element 38 is a transverse base *assembly* (col. 3, l. 48-50), not one of Trulaske’s only three taught walls, 18, 20, and 22 of body 12. Assembly 38 is part of curved end panel 30, which does NOT include a door and is exterior to body 12, as seen in Figures 2 and 5. Similarly, Examiner’s reference to side walls 32 in Trulaske is misguided because element 32 is “an arcuate sheet” of plastic (col. 3, l.

AN 10/666,499
Amendment Dated: July 10, 2006
Reply to Office Action of May 8, 2006
Attorney Docket: 77012-324684
Page 7

24-27) in end panel 30, not flat end *wall* 22 in body 12. The Examiner states, "said door [14] is attached to one of said [32] side walls", *supra*. However, door 14 is clearly not attached to element 32, a part of curved end panel 30 (Figure 4), but rather to *upper* wall 18 of body 12 (Figure 2).

Furthermore, Trulaske teaches feature 16 only as a bottom *portion* of body 12 with no functionality. col. 3, l. 12-15. Trulaske does not teach that feature 16 is a spacer panel or the use of a spacer panel at all. Nor does Trulaske teach use of feature 16 or a spacer panel in conjunction with vertical positioning of the door. Moreover, Trulaske does not teach, claim, or suggest to what and how feature 16 is attached. In contrast, claim 1 claims "said spacer panel is attachable to said side walls" Clearly, a spacer panel attachable to side walls is not anticipated by Trulaske.

Trulaske does not teach or suggest a vertically adjustable door, how his door 14 can be adjusted vertically, how to render the door operable in either left-side or right-side opening mode, or that his refrigerated merchandiser is invertible and usefully operable if inverted.

Applicant respectfully submits Examiner's contention that the merchandiser could be disposed invertedly to provide left or right side door opening is unreasonable as being likely unoperable and unsafe. Given the protrusion of hinge 24 above upper wall 18 (Figures 1 and 2), the weight of the merchandiser in an inverted position would likely bear on the hinge and adversely affect its operability for opening and closing of the door. Secondly, given that an ordinary refrigeration means (e.g., motor, compressor, evaporator, etc.) is heavy and likely disposed in the bottom *portion* of body 12 for stability, as recognized by one of ordinary skill in the art of refrigerated enclosures, inverting the merchandiser would make it top heavy and

AN 10/666,499
Amendment Dated: July 10, 2006
Reply to Office Action of May 8, 2006
Attorney Docket: 77012-324684
Page 8

susceptible to tipping over upon opening door 14, especially since protruding hinge 24 would cause the inverted merchandiser to be partially tilted. Thirdly, Trulaske is silent as to the complete hinging of door 14. Even one of ordinary skill in the art would not view Trulaske's door to be usefully operable if hinged at only its upper right corner as shown in Figures 1 and 2. Thus, one cannot validly infer from what Trulaske actually teaches that his door would operate usefully and safely if the merchandiser is inverted.

Claim 11 is amended to remove possible confusion over the use of the terms "hand" and "format" and is consistent with terminology in the specification.

Clearly, Trulaske does not teach, claim, or suggest a bottom *wall*, a *spacer panel*, and a *vertically adjustable* door attached to a *side wall*. These features are unique to claims 1 and 11 and do not exist in Trulaske. Therefore, claims 1 and 11 are not anticipated by Trulaske, and their rejections are traversed and should be withdrawn. Dependent claims 2-10 depend directly or indirectly from independent claim 1 and are therefore also allowable for at least these same reasons.

The Claims Are Not Obvious

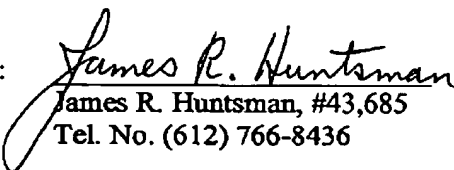
Claims 2-10 were rejected as obvious under 35 U.S.C. § 103(a) over Trulaske in view of a variety of secondary references. These secondary references, however, do not provide the necessary teachings, disclosure, or suggestions to cure the deficiencies of the Trulaske reference as discussed above. Therefore, because each of claims 2-10 is dependent, directly or indirectly, upon independent claim 1, which is now allowable, they are likewise allowable.

AN 10/666,499
Amendment Dated: July 10, 2006
Reply to Office Action of May 8, 2006
Attorney Docket: 77012-324684
Page 9

CONCLUSION

All of the claims pending in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is respectfully solicited. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

Respectfully submitted,

By: 
James R. Huntsman, #43,685
Tel. No. (612) 766-8436

Dated: July 10, 2006

M2:20808888.01